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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11

12 UNITED STATES OF AMERICA,  
13  
Plaintiff,

14 v.

15 ELBERT McBRIDE,  
16  
Defendant.  
17

)  
) Nos. CR 06-00455 CW  
)

) STIPULATION AND ORDER  
) CONTINUING HEARING DATE  
)

) Date: December 11, 2006  
) Time: 2:30 p.m.  
) Court: Hon. Claudia Wilken  
) U.S. District Court

18 This matter is currently set for Monday, December 11, 2006, at 2:30 p.m. to set further dates  
19 in the event that the government chooses to appeal the Court's ruling on the motion to suppress.  
20 At this time, the time for filing a notice of appeal has passed and the government has informed  
21 defendant it will not be appealing but instead will move to dismiss this prosecution. The  
22 government has not yet prepared and filed the motion to dismiss, however, because the prosecutor  
23 assigned to this matter is temporarily out of the office.

24 Under these circumstances, the parties agree that there is nothing to be accomplished by a  
25 court appearance on Monday and that it would be in the interests of justice to continue that  
26 appearance one additional week, to give the government time to file the motion to dismiss. The

1 parties therefore stipulate and agree that the hearing set for Monday, December 11, 2006 should be  
2 continued one week to Monday, December **18**, 2006 for status.

3 SO STIPULATED.

4 Dated: December 8, 2006 /S/

5 HILARY A. FOX  
6 Attorney for Defendant McBRIDE

7 SO STIPULATED.

8 Dated: December 10, 2006 /S/

9 DOUGLAS SPRAGUE  
10 Assistant United States Attorney

11 SIGNATURE ATTESTATION

12 I hereby attest that I have on file all holograph signatures indicated by a "conformed"  
13 signature ("/S/") within this efiled document.

14  
15 ORDER

16 Good cause appearing therefore, and pursuant to the stipulation of the parties, it is hereby  
17 ORDERED that the status hearing currently scheduled for December 11, 2006, at 2:30 p.m. is  
18 vacated and re-scheduled for Monday, **December 18, 2006, at 2:30 p.m.**

19 IT IS SO ORDERED.

20  
21 Dated: December 11, 2006

22 Claudia Wilken  
23 CLAUDIA WILKEN  
24 United States District Court  
25  
26